

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	EB Docket No. 04-296
Review of the Emergency Alert System)	
)	
)	

To: Office of the Secretary

**JOINT COMMENTS OF THE
NAMED STATE BROADCASTERS ASSOCIATIONS**

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Dated: January 24, 2006

EXECUTIVE SUMMARY

The State Associations continue their proactive efforts to make the Emergency Alert Systems (“EAS”) throughout the United States as reliable and effective as technology permits. As the record in this proceeding reflects, the National Alliance of State Broadcasters Associations (“NASBA”), of which the State Associations are members, hosted an EAS summit on February 26, 2005, where the participants were able to diagnose the problems that exist in each state, share solutions, and work to create plans that would increase the efficiencies of EAS. This first summit of its kind proved successful, in that it mobilized the responsible parties in government to plan an expansion of the national Primary Entry Point network to include areas of the country that are not well served under the current EAS. That summit is tangible evidence of the dedication and commitment that the State Associations have toward creating a better EAS for the benefit of all residents of America. The State Associations have been actively involved and are increasingly taking leadership roles state by state in the mission to design and implement an emergency alert distribution system that is reliable and effective.

The State Associations are intent on fulfilling the purpose of the original summit – to continue to focus on broadcasters as the lifeline of information to the American public in times of crisis; to ensure that every state in the U.S. has a robust, operable EAS; to expand the discussion beyond initial EAS alerts to encompass follow-on emergency communications and information dissemination; and to begin an examination of the security and reliability of the American broadcasting infrastructure. To that end, the State Associations have committed themselves to hosting the second annual National Summit on EAS on February 25, 2006 in Washington DC. This summit will be coordinated by NASBA and will be underwritten by the National Association of Broadcasters. The scope of the 2006 summit has been expanded to

examine not just the initial EAS alert but the follow-on delivery of critical emergency information. This year's summit also promises to include attendees from the private sector, such as NCMEC, and Members and staff from the United States House of Representatives and Senate committees of jurisdiction. The State Associations recognize that it will take a consortium of expertise from several sectors to fully grasp the issues and propose pragmatic solutions. The State Associations will continue to facilitate discourse amongst the key players in EAS and will keep the Commission informed about their progress.

The Joint Comments also serve to update the Commission on progress being attained on a state level. Numerous examples of that progress are given. In addition, the Joint Comments address specific issues raised by the FCC in this proceeding.

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The Alabama Broadcasters Association, Alaska Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Connecticut Broadcasters Association, Florida Association of Broadcasters, Idaho Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Missouri Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, New Jersey Broadcasters Association, New Mexico Broadcasters Association, The New York State Broadcasters Association, Inc., North Dakota Broadcasters Association, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Rhode Island Broadcasters Association, South Carolina Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters

Association, Washington State Association of Broadcasters, Wisconsin Broadcasters Association, and Wyoming Association of Broadcasters (collectively, the “State Associations”), by their attorneys in this matter, and pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, 47 C.F.R. §§ 1.415, 1.419, hereby submit their Joint Comments in response to the *Further Notice of Proposed Rule Making* (“*Further NPRM*”) issued by the Commission in the above-referenced proceeding.¹

Introduction

The State Associations continue their proactive efforts to make the Emergency Alert Systems (“EAS”) throughout the United States as reliable and effective as technology and sound policy permit. As the record in this proceeding reflects, the National Alliance of State Broadcasters Associations (“NASBA”), of which the State Associations are members, hosted an EAS summit on February 26, 2005, where the participants were able to diagnose the problems that exist in each state, share solutions, and work to create plans that would increase the efficiencies of EAS. This first summit of its kind proved successful, in that it mobilized the responsible parties in government to plan an expansion of the national Primary Entry Point network to include areas of the country that are not well served under the current EAS architecture. The attendees of the 2005 summit included Homeland Security representatives from the states, chairs of the State Emergency Communications Committees, chief officers and staff of the State Associations, and representatives of federal agencies such as the FCC, NOAA, DHS and FEMA. This summit is tangible evidence of the dedication and commitment that the State Associations have toward creating a better EAS for the benefit of all residents of America. The State Associations have consistently been actively involved and are increasingly taking

¹ *Review of the Emergency Alert System*, EB Docket No. 04-296, FCC 05-191 (rel. Nov. 10, 2005).

leadership roles state by state in the mission to design and implement an emergency alert distribution system that is truly reliable and effective.

The State Associations are intent on fulfilling the purpose of the original summit – to continue to focus on broadcasters as the lifeline of information to the American public in times of crisis; to ensure that every state in the U.S. has a robust, operable EAS; to expand the discussion beyond initial EAS alerts to encompass follow-on emergency communications and information dissemination; and to begin an examination of the security and reliability of the American broadcasting infrastructure. To that end, the State Associations have committed themselves to hosting the second annual National Summit on EAS on February 25, 2006 in Washington DC. This summit will be coordinated by NASBA and will be underwritten by the National Association of Broadcasters. The scope of the 2006 summit has been expanded to examine not just the initial EAS alert but the follow-on delivery of critical emergency information. This year's summit also promises to include attendees from the private sector, such as NCMEC, and Members and staff from the United States House of Representatives and Senate committees of jurisdiction. The State Associations recognize that it will take a consortium of expertise from several sectors to fully grasp the issues and propose pragmatic solutions. The State Associations will continue to facilitate discourse amongst the key players in EAS and will keep the Commission informed of our progress.

As evidenced by its *First Report and Order* in this proceeding, the Commission is continuing its serious efforts to address the adequacy of the current EAS. For this, the State Associations applaud the Commission. Extending mandatory participation in EAS to digital technologies that are increasingly penetrating households and gaining significant market share is a step in the right direction, and one founded upon the proven emergency services provided by

radio and television broadcasters over the decades. However, important issues remain, as demonstrated by the *Further NPRM*. The instant comments are being submitted to contribute to the Commission's record on EAS and to assist in moving toward a truly reliable and effective EAS. The State Associations hereby submit their Joint Comments to provide examples of further state-by-state progress toward enhancing EAS, as well as to address many of the specific issues raised in the *Further NPRM*.

Discussion

I. Progress Update

As mentioned above, the instant pleading provides some examples of the progress being achieved at the state levels as they move toward a comprehensive and reliable EAS.

A. Arkansas Progress Report Update

Arkansas has an EAS and AMBER Alert plan. The backbone of both plans is the Arkansas Educational Television Network, which has a number of translators around the state. The state also works closely with the National Weather Service to provide a well-rounded, redundant method of disseminating emergency messages. Additionally, the Arkansas State Police recently completed a new communications center, which should improve the delivery of AMBER Alerts.

B. Connecticut Progress Report Update

Connecticut is in the process of drafting a third revision of the Connecticut State EAS plan. The work will be completed this year. Also this year, the CBA will be adding a microwave distribution network between the Connecticut Office of Emergency Management (the Governor's Emergency Command Post), the Connecticut State Police, the National Weather Service, and the state's primary relay stations. This will be a redundant network in parallel with existing dedicated copper connections through SBC. Connecticut will be adding a seventh

primary relay station this year to provide better monitoring choices for stations along the Connecticut shoreline. Finally, Connecticut is in negotiations to make WTIC(AM), Connecticut's only 50,000 watt AM station, a PEP station; at present, Connecticut is without a PEP station within its borders, and existing out-of-state PEP coverage is weak in the populated central part of the state.

C. Illinois Progress Report Update

The State of Illinois recently revised its state plan, which is now current through June 2005. The plan fosters the idea of EAS operations as a "web" rather than a "chain." Accordingly, stations will rely on the LP-1 and LP-2 to relay state and national emergency information, but local emergencies, such as developing weather conditions, will be monitored directly by each station. The state has been divided into 11 local areas and each of those areas has two or more key broadcast stations that will disseminate regional information during an emergency.

D. Indiana Progress Report Update

The State of Indiana uses the daisy chain to ensure the adequate distribution of emergency alerts. The State is divided into 12 EAS Regions. Each Region has a committee chair who is responsible for ensuring that the regional EAS plan is kept up-to-date, disseminating updated information to all stations in that EAS region, and advising the SECC. The stations in each region rely on LP-1 and LP-2 stations to relay state and national emergency information. Local emergencies such as weather conditions, etc., are monitored by each station in that region.

At present the Indiana State Plan is being revised. In January 2006, changes were made to the South Central Region changing the LP-1 to a 50,000 watt station that is 24/7/365. Stations in this region were not getting adequate EAS because the prior LP-1 was not a 24/7/365

operation, and equipment was repeatedly malfunctioning. All stations were advised as to their new monitoring assignment and a letter was sent for their EAS instruction file.

The Indiana Broadcasters Association is presently trying to help broadcasters in the southwestern portion of the state, as the daisy chain seems to fail somewhere along the line when EAS is utilized in this area. The Indiana Broadcasters Association has a good cooperative relationship with the NWS and is working to better our relationship with the EMA of Indiana.

E. Iowa Progress Report Update

The Iowa plan is currently under revision. Iowa is in the last phase of its plan to utilize the state-owned fiber optic network to act as a second layer for the distribution of EAS and AMBER Alert information. The system is being tested now and will provide EAS information from the State EOC to the LP-1 and LP-2 stations and allow the EOC to monitor the audio from the LP-1 and LP-2 stations. It will also provide stations access to high-quality audio.

F. Kansas Progress Report Update

The State of Kansas has an EAS State Plan and an AMBER Alert plan. AMBER Alerts are distributed via the EAS system. The Kansas EAS State Committee applied for and received a state homeland security grant to install EAS encoders and decoders in NWS weather forecast offices serving Kansas, to add redundancy to the EAS system. Installation of this equipment is underway. When complete, the state plan will be updated to include NWS offices as an optional monitoring point.

G. Louisiana Progress Report Update

During both Hurricane Katrina and Rita, no agency utilized EAS other than NWS, although broadcasters provided continuous coverage and disseminated information about evacuation orders, shelters, gasoline availability and the like. Louisiana broadcasters have made EAS available to local and state governments for activation during emergencies if and when they

choose to use it. The EAS plan is being updated and revised in order to implement a process by which public officials can be better educated as to the availability of EAS for use during times of emergency or disaster.

H. Maine Progress Report Update

A revised Maine State EAS Plan was filed with the Commission in 2005. The Maine AMBER Alert Plan is currently undergoing revision to change the criteria for abducted-children alerts from “under 16” to “under 18,” and to use the extant Maine Citizen Alert web-based program for follow-on delivery of pertinent AMBER Alert information to broadcast stations. The Maine SECC has been working for the past three years, so far with no success, to secure funding to improve the EAS by adding technologies to overcome the daisy chain problem and the videotext-crawl problem.

I. Michigan Progress Report Update

A PEP station has been identified for Michigan and is currently being evaluated and equipped. Utilizing a grant from AT&T Foundation, programming upgrades have been provided at no charge to all Michigan TV and radio stations, allowing AMBER alerts and other new event codes to be utilized for local and state emergencies. Michigan’s 14 LP-1 stations, 5 NWS offices, Michigan State Police, and Emergency Managers in each of Michigan’s 88 counties will be linked via 800 MHz radios which are currently being installed. This system will insure vital emergency communications can continue, even during failure of power or communication infrastructure.

J. Nevada Progress Report Update

Currently, Nevada has no statewide EAS coverage. The Nevada Broadcasters Association and the Nevada SECC are working to improve EAS through the use of the state

microwave system. Nevada has one PEP station in Reno but recognizes a need for another in Las Vegas, which is the state's population center.

K. North Dakota Progress Report Update

The North Dakota EAS system is utilized for both EAS and the AMBER Alert Program. Dissemination of EAS information is accomplished primarily by the NBC television stations and a daisy chain in most other markets.

L. Oklahoma Progress Report Update

The Oklahoma EAS system is utilized for the AMBER Alert program as well as EAS. Dissemination of EAS information is accomplished primarily by the Clear Channel Radio Network satellite system and a daisy chain in some areas.

M. Tennessee Progress Report Update

Tennessee broadcasters are reviewing the Tennessee EAS Plan, and have been working with the Governor's Office and the State EMA since the first EAS Summit early last year to create a state-direct link to the LP-1/2s as a better, or redundant, path than through the NWS. Since the inception of EAS, Tennessee has only tested its current plan via the Clear Channel Communications statewide satellite system.

N. Texas Progress Report Update

The Texas State Plan was revised in March 2004 and the statewide Texas AMBER Alert Network Plan was revised in July 2003. The state's 254 counties are divided into 25 local EAS areas, and eight of those areas have local EAS Plans and/or regional AMBER Plans. Some of the local areas require up to three daisy chain relays to receive an EAS alert. The Texas Department of Public Safety does not participate directly in EAS, even though the Governor has designated DPS to be the activation point for state AMBER alerts. Instead, DPS faxes AMBER alerts to a local weather service station to transcribe and broadcast and then to relay to other

NWS stations across the state. To improve the AMBER alert system, the Governor's Office arranged for direct phone lines to be installed between the DPS and stations in remote areas of the State, but the DPS has yet to use its encoder/decoder to send an alert to any radio or television station.

The Texas Association of Broadcasters urged the Governor to use EAS to contact stranded motorists trying to escape Hurricane Rita but he declined. The Division of Emergency Management of the DPS has declined numerous requests to meet with broadcasters after AMBER alerts to discuss what worked and what did not. Consequently there continue to be problems with state AMBER activations, issuing alerts more than three hours after local police have reported the abduction of a child, sending alerts across the entire state instead of pinpointing a 200-mile area where the perpetrator is most likely to be found and numerous other instance where best practices outlined by groups such as the National Center for Missing Children have not been followed. The Texas Association of Broadcasters is pleased to report that the DPS has accepted the TAB's offer to install and train state personnel on how to use an EAS encoder/decoder.

O. Washington Progress Report Update

Washington State broadcasters provide assistance to emergency management agencies to help them install, troubleshoot and maintain their EAS equipment. The SECC has fully integrated NOAA Weather Radio as a full partner in the state's EAS architecture, adding reliability and redundancy to Washington's point to multipoint EAS distribution system. In addition, a statewide AMBER Alert Plan has been added to the State EAS Plan. Required monthly tests are coordinated with local and state emergency managers who initiate all RMTs on a rotating schedule. The Washington State Association of Broadcasters' web site (www.wsab.org) hosts the official Washington EAS web pages, including the State EAS Plan,

monitoring assignments, RMT schedule, SECC rosters, AMBER Alert Plan and other related information.

II. EAS Message Distribution

The Commission seeks comment on whether EAS messages should be distributed directly to media outlets and if so, which system is most effective. The current EAS relies upon a daisy chain distribution process which, the State Associations believe, often results in delay and failed message delivery. These inefficiencies can be obviated through point to multipoint distribution. In their Joint Comments to the *Notice of Proposed Rulemaking*, filed August 29, 2005, the State Associations introduced what Pennsylvania termed its “seven second solution” to the daisy chain method. Using EMNet, *all* Pennsylvania broadcast stations that are EMNet equipped can directly receive, in only seven seconds, encrypted emergency messages via satellite, thereby eliminating all intermediaries. While NASBA is not prepared to endorse EMNet or any other specific EAS enhancement, technologies such as these would provide additional layered, and thus redundant, pathways for messaging that would vastly exceed the capabilities and effectiveness of the daisy chain and eliminate one of the inherent weaknesses in the current system. Many state governments could vastly improve dissemination of emergency information in their areas by putting EAS messages on satellites that every station could monitor simultaneously, or by installing direct phone lines from headquarters to each LP-1 station in the state. The federal government should absorb the costs associated with the upgrades necessary to increase the reliability of EAS and avoid imposing costly mandates on broadcasters; so far the vast majority of the cost of the nation’s emergency alert and warning system has been paid by broadcasters and cable operators.

The federal government has created a system of 34 Primary Entry Point stations with phone lines to the White House and initially paid for backup generators, underground fuel tanks

and even bunker like facilities. Since the program was created in President Truman's administration, support for and interest in EAS waned. Partially because of NASBA's past efforts, the White House and DHS were alerted to the serious problems with EAS, and then-Homeland Security director Tom Ridge promised to ensure that the government actually has someone responsible for seeing that the system is improved. The Primary Entry Point network was also expanded from 34 AM radio stations to include National Public Radio, and tests are underway to include public television stations. Discussions also are currently underway to make any presidential emergency message available by satellite, although no decision has been made as to whether stations beside PEP participants would be given access.

III. Common Protocol

In the Further NPRM, the Commission questioned whether Common Alerting Protocol (CAP) should be adopted for any future digitally-based alert system. Given its acceptance across various platforms and the necessity for a common communications platform, the State Associations recommend CAP as the common protocol for the new EAS.

IV. New Technologies

The Commission inquired as to whether Direct to Home satellite services (DTH) and Satellite Digital Audio Radio Service (SDARS) should either be limited to national EAS participation or be required to deliver state and local messages. The current architecture and design of these satellite technologies cannot support the delivery of state and local emergency messages. These services were designed to deliver programming nationally and thus were appropriately required to participate in national EAS per the Commission's *First Report and Order* in this proceeding. However, to attempt delivery of state and local emergency alerts could only serve to confuse and desensitize consumers. If, for instance, the location of the emergency was inadvertently omitted from the message, the result could be mass hysteria across the nation.

Similarly, if consumers are inundated with emergency messages that don't relate to their geographic area, they may build up a tolerance to such interruptions and unintentionally ignore messages that may be of particular relevance. Therefore, the abovementioned technologies should be limited to mandatory national EAS participation.

Given the intention of telephone companies to compete with cable television service providers and DTV broadcasters in bringing high definition digital content to their customer, the Commission asks whether telephone companies should have public alert and warning responsibilities similar to those of other media providers. The State Associations strongly believe that a comprehensive public alert and warning system should include all technologies that are pervasive in the everyday lives of Americans, and, in a continuously converging marketplace, telephone companies are no exception. While their technical capacities for the transmission of information may differ greatly from that of broadcasters and satellite providers, there remains some role that they can play in ensuring the public is always informed in case of an emergency. Any move in this direction must take into account and avoid repeating the "cable override problem" where cable operators substituted their own canned, generic "emergency messages" for live, detailed reporting and coverage of flooding and other disasters.

V. Performance Standards

The Commission requests comment on whether performance standards are necessary to ensure that the public receives emergency alerts in an accurate and timely fashion. In the abstract, hard and fast performance standards may seem like the greatest assurance that EAS will perform as intended, when activated. However, practically speaking, any performance standards adopted by the Commission should be presented as "best practices" or recommendations rather than mandates. Broadcasters are equally concerned with ensuring the effectiveness of EAS, and along with their state emergency management agencies have invested in new technologies and

plans to that end. Therefore, EAS participants should not be penalized or fined for failing to meet a hard and fast standard while testing new technologies and delivery methods that would adhere to “best practices” benchmarks. Further, in response to the Commission’s inquiry as to whether it should adopt reporting obligations for EAS participants, the State Associations believe that the current protocol of logging required tests is adequate and no further reporting obligations are necessary. The logic of requiring more reports from broadcasters and cable operators when state and local governments are not even required to report whether they have EAS plans to utilize the system is ludicrous.

VI. Coordination with State and Local Governments

The Commission questions whether the EAS rules should be amended to require EAS participants to transmit EAS messages issued by the governors of the states in which they provide service. Such a requirement is tantamount to a solution in search of a problem. The State Associations submit that the willingness of broadcasters to respond when called upon by state emergency managers is not a problem. There has never been a question of broadcaster participation whether activations were initiated by the governor or any other state official. For example, as the Massachusetts Broadcasters Association President and CEO has confirmed, Massachusetts broadcasters have never turned down local EAS activation requests from an emergency manager. In Florida, local broadcasters were more accurate than weather-forecasting services in their predictions of the path of Hurricane Charley as it related to their area. They worked cooperatively with the Governor and activated the state’s EAS, distributing messages in both English and Spanish. In May 2003, local radio and television stations throughout the Midwest likely saved hundreds of lives because of their storm and tornado warnings. When electricity, telephone and cellular communications were lost in Louisiana in the aftermath of Hurricane Katrina, it was only through a concerted multi-agency effort to keep a single radio

station on the air that the people in southern Louisiana were able to receive pertinent information and instructions.

What is the crux of the problem regarding state and local EAS participation? The problem is not with broadcasters, who have always stood ready to cooperate in this critically important endeavor. The problem is that state and local emergency management agencies need to be educated about the benefits of EAS or, at the very least, how to use it. Even if the Commission required broadcasters to accommodate state governors during an emergency, the status quo would remain because at the end of the day, the FCC cannot compel the state governors to use EAS. Furthermore, what is to prevent a governor from delegating his or her right to the airwaves to anyone he or she wishes, including not just emergency management agencies but untold numbers of law enforcement authorities and officers throughout each state? A right of access to the airwaves for one person will in effect have become a right of access to the same airwaves for thousands upon thousands of persons nationwide! And who sets the priorities of access? What is a station to do when there are conflicting requests? Such a situation will create communications chaos at the very worst possible moment, when natural or man-made destruction or chaos is engulfing the area. Therefore, the task at hand should be to increase the awareness of EAS with agency officials and state leaders. That is the key. Broadcasters have always stood ready and willing to cooperate in state and local EAS activations, and will continue to rise to the occasion even in the absence of mandates.

The Commission also questions whether it should revise the rules to require that states notify the Commission of any changes in EAS participants' state, local or national EAS designation within 30 days of such change or, in the alternative, require an annual confirmation

that all designations remain the same. These proposed reporting requirements will not increase the efficiency of EAS and could be redundant under the current rules.

EAS state and local plans currently are the work of volunteers – state association staffs, station engineers, sometimes weather service experts and only in some cases local or state governments. Currently, if an EAS designation changes, the State Emergency Communications Committee reviews the matter and updates the state plan as necessary. An updated state plan, in turn, must be filed with the FCC in a reasonably timely manner pursuant to Section 11.21 of the Commission’s rules. Therefore, the existing rules already ensure that the Commission is advised of changes to EAS designations.

Finally, to the extent that the daisy chain architecture for EAS falls away and is replaced by point to multipoint EAS distribution systems (“PTMPD systems”), there would be no LP-1 or LP-2, etc. stations and thus no need to keep the FCC informed of their “status.” Under these PTMPD systems, all activations would come directly from the EAS box at the emergency management agency, state or local. Stations would serve as conduits. At the very least, the FCC should consider permitting the SECC in any state that uses a PTMPD system to eliminate the LP designations as serving no necessary purpose.

VII. EAS Accessibility by the Disabled

In an effort to ensure that EAS is a viable resource for Americans with disabilities, the Commission seeks comment on whether EAS television and cable crawls lack sufficient specificity due to the “disconnect” between generic information contained in the digital header codes and the information contained in the audio portion of the EAS message. Furthermore, the Commission asks whether the audio message should be transcribed through the use of closed captioning or other methods such as crawls or scrolls. This is the other major shortcoming in the current EAS technology. Disabled Americans rely a great deal on the news media to keep them

informed during an emergency. The State Associations are committed to working with the federal government to develop the tools and secure the funding necessary to enhance EAS so that it functions as a reliable platform for the dissemination of emergency messages to all, including the disabled. The State Associations are aware that the Society of Broadcast Engineers and others intend to propose solutions to the problems caused by the “disconnect” which appears inherent in the current EAS technology. The State Associations look forward to reviewing the proposals and commenting further on this issue in the reply stage of this proceeding.

The Commission also seeks comment on how the EAS rules should change to accommodate segments of the American public for which English is not the primary language. Namely, the Commission incorporated the *Petition for Immediate Interim Relief* (the “Petition”) filed by the Independent Spanish Broadcasters Association et al.² The Petition proposes that the Commission require that emergency messages be distributed in multiple languages. Specifically, the Petition requests that state and local EAS plans designate a Local Primary Spanish station (LP-S) to transmit alerts in Spanish where a substantial proportion of the population is primarily fluent in Spanish and a Local Primary Multilingual (LP-M) to transmit alerts in multiple languages where a substantial proportion of the population is primarily fluent in a language other than Spanish and English.³

The State Associations believe the petitioners’ request for relief from the Commission raises some complicated issues. First, is the relief necessary? The FCC’s EAS rules already permit a broadcast station to transmit EAS messages and tests in the primary language of the station. Second, as frequently as stations change formats, and without notice to the SECC necessarily, the LP designations required in the Petition would be quickly obsolete, resulting in

² *Review of the Emergency Alert System, Petition for Immediate Interim Relief*, EB Docket No. 04-296 (filed Sep. 20, 2005).

³ Petition at 4.

confusion among listeners/viewers, emergency management personnel and station personnel.

Finally, even if the Commission had the authority to mandate the relief sought by the petitioners – and there is some question whether the FCC does – the creation of more LP stations, rather than fewer, moves the FCC and this country in a direction that is the opposite of where technology and sound public policy are taking EAS, namely away from an exclusive daisy chain EAS architecture and towards PTMPD systems for EAS.

The Petition also suggests that stations that remain on the air during an emergency should be required to broadcast information in languages used on the LP-S and LP-M if those stations lose transmission capability. Several questions remain unanswered. Specifically, how will a remaining station know whether the LP-S or LP-M has lost transmission unless it is the monitoring station, and what technologies are available to stations that transmit in English to translate alerts into various languages and what are the costs involved? The State Broadcasters agree with the petitioners that non-English speaking consumers ought to have adequate access to life-saving information. However, hasty conclusions and ambiguous rules are not a means to that end. The Commission should not act on the Petition without further careful consideration of the aforementioned issues.

Conclusion

The State Associations submit these comments in furtherance of their efforts to help rebuild EAS and to continuously inform the Commission about its independent initiatives to ensure critical, life-saving information is available to the American public in the most efficient manner.

Respectfully submitted,

**NAMED STATE BROADCASTERS
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Dated: January 24, 2006